

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THE WESTERN AND SOUTHERN LIFE
INSURANCE COMPANY; WESTERN-
SOUTHERN LIFE ASSURANCE COMPANY;
COLUMBUS LIFE INSURANCE COMPANY;
INTEGRITY LIFE INSURANCE COMPANY;
NATIONAL INTEGRITY LIFE INSURANCE
COMPANY; and FORT WASHINGTON
INVESTMENT ADVISORS, INC. on behalf of
FORT WASHINGTON ACTIVE FIXED
INCOME LLC,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.;
JPMORGAN MORTGAGE ACQUISITION
CORPORATION; J.P. MORGAN SECURITIES
LLC; J.P. MORGAN ACCEPTANCE
CORPORATION I; WASHINGTON MUTUAL
MORTGAGE SECURITIES CORP.; WAMU
CAPITAL CORPORATION; and WAMU
ASSET ACCEPTANCE CORPORATION,

Defendants.

JPMORGAN CHASE BANK, N.A.,

Third-Party Plaintiff,

v.

THE FEDERAL DEPOSIT INSURANCE
CORPORATION,

Third-Party Defendant.

Civil Action No. 1:11-CV-00495

Chief Judge Susan J. Dlott

**STIPULATION AND ORDER
REGARDING SECOND AMENDED COMPLAINT**

WHEREAS, on June 22, 2011, plaintiffs The Western and Southern Life Insurance Company, Western-Southern Life Assurance Company, Columbus Life Insurance Company, Integrity Life Insurance Company, National Integrity Life Insurance Company and Fort

Washington Investment Advisors, Inc., on behalf of Fort Washington Active Fixed Income LLC (collectively, “Plaintiffs”) commenced the above-captioned action by filing a complaint in the Court of Common Pleas, Hamilton County, Ohio against defendants JPMorgan Chase Bank, N.A., JPMorgan Mortgage Acquisition Corporation, J.P. Morgan Securities LLC, J.P. Morgan Acceptance Corporation I, Washington Mutual Mortgage Securities Corp., WaMu Capital Corporation and WaMu Asset Acceptance Corporation (collectively, “Defendants”);

WHEREAS, on July 22, 2011, Defendants removed the action to the United States District Court for the Southern District of Ohio and subsequently filed a third-party complaint against Third-Party Defendants Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank (“FDIC-Receiver”), and Federal Deposit Insurance Corporation, in its Corporate Capacity (“FDIC-Corporate”) (together with Plaintiffs and Defendants, the “Parties”);

WHEREAS, on August 1, 2011, Plaintiffs filed an Amended Complaint in this Court (the “Amended Complaint”);

WHEREAS, on December 14, 2011, in a conference before the Court regarding Plaintiffs’ motion to remand the action to the Court of Common Pleas, the Parties agreed to certain re-removal procedures to resolve issues raised by the remand motion;

WHEREAS, on December 15, 2011, in accordance with those procedures, Plaintiffs commenced a new action in the Court of Common Pleas, Hamilton County, Ohio by filing a complaint that was substantively identical to the Amended Complaint and Defendants subsequently filed a third-party complaint in the same action that was substantively identical to the Third-Party Complaint against FDIC-Receiver and FDIC-Corporate (the “Successor Action”);

WHEREAS, on January 18 and 24, 2012, respectively, Defendants and Third-Party Defendants removed the Successor Action to this Court in accordance with the agreed-upon removal procedures;

WHEREAS, on February 14, 2012, the Court consolidated the Successor Action into the above-captioned action and entered a scheduling order directing, among other things, that Defendants and Third-Party Defendants shall file any motion(s) to dismiss no later than sixty (60) days after consolidation of the cases, or by April 16, 2012;

WHEREAS, on March 8, 2012, Plaintiffs moved for leave to file a Second Amended Complaint (the "Second Amended Complaint"), which contains additional and different claims and factual allegations than the Amended Complaint;

WHEREAS, the Parties have met and conferred and have agreed that Defendants and Third-Party Defendants will not oppose Plaintiffs' motion for leave to amend and have further agreed to a briefing schedule relating to the Second Amended Complaint.

NOW, THEREFORE, subject to the approval of the Court, the Parties, through their respective undersigned counsel, hereby stipulate as follows:

1. Defendants and Third-Party Defendants do not oppose Plaintiffs' motion for leave to file the Second Amended Complaint. Defendants and Third-Party Defendants, however, reserve all arguments and challenges to the Second Amended Complaint, including challenges regarding the legal sufficiency, timeliness and effect of the new or revised allegations and causes of action.
2. Solely to conform the third-party complaint to the Second Amended Complaint and to avoid any ambiguity as to the operative third-party pleading in this action in light of the consolidation order, Defendants will file an amended third-party complaint (the "Amended Third-Party Complaint") no later than March 23, 2012.
3. Defendants and Third-Party Defendants shall answer, move or otherwise respond to the Second Amended Complaint and Third-Party Defendants shall answer, move or otherwise respond to the Amended Third-Party Complaint no later than May 23, 2012.

4. Oppositions to any motion to dismiss shall be filed no later than July 23, 2012.
5. Reply papers in support of any motions to dismiss shall be filed no later than August 20, 2012.

Dated: March 20, 2012

Respectfully submitted,

/s/ Adam C. Sherman

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Federal Deposit Insurance Corporation as
Receiver for Washington Mutual Bank***

SO ORDERED.

S/Susan J. Dlott

UNITED STATES DISTRICT JUDGE